

Exhibit I

CENTRAL MAINTENANCE COMMITTEE REPORT TO TOWN COUNCIL JUNE 2002

Introduction

On or about _____, the Town Council voted to establish a Central Maintenance Committee ("CMC") comprised of two members of the Executive Branch, two members of the Legislative Branch, two members of the School Department, and a non affiliated person, as chair, to meet and establish a Central Maintenance Department for the Town of Greenfield. This work was to be independent of the work being performed by the Charter Commission 2002. The members of the Central Maintenance Committee are:

David Singer - Chairperson
Walter Boyd - School Committee
Bason Nembirkow - Superintendent of Schools
John Bean - Superintendent of DPW
John Mackin, Jr. - Selectman
Edward Jones - Town Council
Clayton Sibley - Town Council

The language used by the Town Council in establishing the CMC and the parameters of study for the CMC contemplated by the Town Council are attached and incorporated by reference as Exhibit "A".

I. Departmental Mission Statement

Through a co-ordinated Town effort, to provide safe, clean and well maintained buildings and grounds for all who use Town owned facilities; to provide for the cost effective care of all Town owned facilities and grounds; and to protect the interests of the Town of Greenfield and its citizens from the deterioration of its facilities by actively managing a facilities maintenance plan and capital improvement plan.

II. Scope of Activities

In order to achieve the objectives outlined in the mission statement, the Central Maintenance Committee recommends the following scope of activities, including but not limited to:

1. Provide for the routine cleaning of all Town facilities and collaborate in the setting of standards for the cleaning of the School facilities
2. Provide for the regular maintenance of all facilities
3. Develop a preventative maintenance program
4. Establish an equipment standardization program
5. Develop a capital improvement program

6. Establish centralized purchasing, shipping and receiving
7. Provide for the daily care of all parks, grounds and forests
8. Implement a maintenance work order system } DPW does this
9. Develop a vehicle maintenance program
10. Implement an inventory and surplus property program
11. Establish staff orientation, training, continuing education programs and position descriptions (in conjunction with Human Resource Director)

III. Key Indicators of Departmental Performance

The CMC recommends that the Town Council create a Facilities and Grounds Transition Committee (see Section VII herein), who, along with the Director, monitor operations and maintenance effectiveness, monitor cost effectiveness, monitor whether all stakeholders maintain meaningful communications with other stakeholders, and develop a long range building cost effectiveness evaluation in order to develop a long range plan about the repair and replacement of buildings. A more detailed recommendation is attached hereto as Exhibit "B".

IV. Job Skills Required by Senior Staff

The proposed job description is attached hereto as Exhibit "C". Generally, the Director needs to have a thorough knowledge of the principles, practices and techniques of facility management; of the materials and methods and equipments used; and the ability to read and comprehend plans, specifications, regulations and contracts. Also, the Director needs to plan, manage others, analyze, carry out projects, consult and offer advice, facilitate groups and have effective written and oral communication skills.

V. Reporting Relationships and Communication Links

The supervisory lines are outlined in the attached Exhibit "D". The Mayor shall have the authority and power to hire and fire the Director. Although not formally provided for, any such hiring or firing should be done with the advice and consent of the School Superintendent.

The Department of Public Works has been re-organized in the new model. Highway issues, solid waste, water works and sewer works shall become the main focus of the DPW.

The Superintendent of the DPW and the Director of the Facilities and Grounds Department need to be in constant communication and need to work cooperatively, but do not have a direct supervisory relationship with each other.

The Facilities and Grounds Department shall have control over building maintenance, non-school custodians, parks/grounds and vehicle maintenance. *— snowing forestry*

Due to union issues, which cannot be resolved at this time, the School Department will still have jurisdiction and control over the school custodians. ** p1th*

There is also an issue of direct supervision of the custodian(s) working for the Police Department. Chief McCarthy has indicated that for security reasons, he needs to be the direct supervisor. This issue needs to be further explored and discussed. X

VI. Current budgets to integrate

Upon reviewing the budgets for the School Committee and the Town Departments for the fiscal year 2002, the CMC has established a starting budget of \$1,913,724, which merges the different line items outlined in the attached Exhibit "E" and allows the Facilities and Grounds Department to organize.

However, the CMC recognizes that there must be a separate and distinct budget which will include making available capitol funds for the work of the Department.

Furthermore, the CMC recommends that funds for the Director position be appropriated in addition to this budget amount, with the goal that the Department be formed and approved in time for next year's budget (2003).

VII. Committee - Ongoing

This committee recommends that once the Department is formed, an ongoing committee to oversee the Department be formed. The committee shall be comprised of six people - two each from the Executive Branch, Legislative Branch and School Department, to be appointed by each branch on or about July 1st of each year by the chairperson of each branch of government (i.e. School Committee Chair, President of Council, Mayor). The committee members shall meet at least once every three months and shall work with the Director to prepare and evaluate key indicators for that fiscal year, and during the first year, work with the Director to develop a five year plan. Prior to or during the budget process for each fiscal year, the committee shall provide a written report and make a presentation to the Council about the state of affairs of the department, with recommendations.

The committee is advisory only, and will have no employment authority relative to the Central Maintenance Department, including the Director.

This committee, unless renewed by the Council, shall expire after five years.

VIII. Legal Issues

The CMC recommends that the Town Council accept the provisions of Massachusetts General Laws Chapter 71: Section 37M.. A copy of the statute is attached hereto as Exhibit "F".

Legal opinions from Town Attorney Edward Smith and from Massachusetts Association of School Committees Attorney Stephen Finnegan are also attached as Exhibits "G" and "H".

Conclusion

The CMC recommends that the Town Council follow the recommendations set forth herein and vote for a budget for and the creation of the Department for inauguration in Fiscal year 2003.

Signed this day of December, 2002.

Central Maintenance Committee

By:

Part I ADMINISTRATION OF THE GOVERNMENT**Title XII** EDUCATION**Chapter 71** PUBLIC SCHOOLS**Section 37M** CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS WITH CITY OR TOWN

Section 37M. (a) Notwithstanding the provisions of chapter forty-one or chapter seventy-one or any other special or general law to the contrary, any city or town which accepts the provisions of this section may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city or town; provided, however, that such consolidation may occur only upon a majority vote of both the school committee and in a city, the city council, with approval of the mayor required by law or in a town, the annual town meeting or in a town with no town meeting, the town council.

(b) Notwithstanding any general or special law to the contrary, a decision to consolidate functions pursuant to paragraph (a) of this section may be revoked by a majority vote of either the school committee of the city or town, or the city or town, or both as such vote is described in said paragraph (a).

Exhibit II

SECTION 6-11: Public Safety Commission

- a) There shall be a Public Safety Commission consisting of five (5) members **seven (7) members** all of whom shall be residents and registered voters of the City, appointed by the mayor subject to provisions of section 2-10. ** The interface of this commission shall be as follows: 2 member to liaison with the Fire Dept.; 2 members to liaison with the Police Dept.; 2 members to liaison with Public Dispatch. One member elected chair. Liaison members shall be decided internally by the commission.**
- b) At the first meeting of the each fiscal year, **calendar year,** the commission shall elect a chairperson, vice chairperson and secretary and the secretary shall keep a record of its meetings.
- c) The members shall serve 3-year **four (4)** year staggered terms. Commission members shall serve without compensation. **Request for consideration of compensation has been made. Language to read..."receive a stipend based on a determination by the mayor and the council." Also requesting a budget line item for \$XX for reimbursables.**
- d) Powers and Duties: The commission shall assist the mayor in the supervision and oversight of all departments (Fire, Police, EMO, dispatch, emergency medical services,) including the coordination of the administration of all departments with one another, and with other City departments and agencies by making recommendations to the mayor concerning:
 - i. Setting priorities within the said departments.
 - ii. The annual operating budget of both *all* departments, after the mayor and the commission have met with the departments heads to discuss the proposed budgets.
 - iii. The capital budget requests of both *all* departments *shall be submitted to the mayor after the commission has met with the dept heads to discuss the requests. *The commission members may only inspect the departments on an annual basis in connection with budget review. Inspections shall include facility and equipment maintenance, department records, status of policies and procedures, and reviews of any other aspect of the departments deemed necessary to the smooth operation of said departments. Inspections shall be made only after approval from the chief *department head* has been obtained to insure it will not disrupt department operations.
 - iv. Final review for appointments and promotions of all personnel, in the police and fire departments, shall be conducted by the commission and the respective chief. *department head* The chief *department head* shall submit recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the mayor. Appointments and promotions of public safety personnel shall be made in accordance with Civil Service Law and General Laws, and local hiring policy requirements as defined by the mayor respectively, as they may apply to the city hiring process. (HR & mayor)
- e) The commission shall review all written complaints made by the public concerning:
 - a. The operation of all public safety depts.
 - b. The conduct of its employees, including the department heads, i.e. the chief. In the event that the discipline of a department head becomes necessary, the mayor and the

commission in accordance with contract and MGL or Civil Service law will jointly investigate. Results of all complaints will be made public.

The commission shall adopt such rules and regulations, consistent with this ordinance.

- c. A hearing officer shall be elected by the Public Safety Commission members from among their members; serving as such until the complaint is resolved. The hearing officer shall investigate said complaint and return their findings back to the full commission, who shall render their final recommendation for action. With each new complaint a new hearing officer shall be elected by the commission.
- d. All written complaints received shall be forwarded to the chief or department head to which they relate and the dept heads shall investigate or cause to be investigated said complaints and submit the findings and recommendations, in connection therewith, that is deemed appropriate.
- e. The commission shall adopt such rules and regulations, consistent with this ordinance, the civil service laws and collective bargaining agreements, as it deems necessary to establish procedures to be followed in filing written complaints by the public, investigating complaints; and holding hearings concerning complaints made to it regarding the operation of the public safety departments and the conduct of the officers and employees of each department. Citizen complaints shall be made part of the employee's personnel file.
- f. The commission shall insure the principal of progressive discipline is implemented, except those instances where more severe punishment is warranted.

f) Meetings⁵

- 1. The commission shall meet on a regular basis, at least once a month.
- 2. Special meetings may be called by the mayor, chairman of the commission or majority vote of the commission.
- 3. Minutes shall be kept of all public meeting, including executive session in accordance w/ Open Meeting Laws.
- 4. The commission may establish its own rules of procedure including those governing the conduct of its meeting

g. In the event of a vacancy, the mayor shall make an appointment for the balance of said term subject to city council approval pursuant to section 2-10.

h. No member of the commission shall be an employee of any public safety department, nor shall any member of his or her family be an employee or retired member of any public safety departments within sixty (60) months ** request for thirty-six (36) ** of his or her retirement date.

****Family member shall mean father, mother, spouse, child, stepchild, grandchild, brother, sister, brother-in-law, sister-in-law, nephew, niece, grandparent.**

i. Commission's members shall be special municipal employees. CITE MGL

Exhibit III

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

Section 24 ASSESSORS; NUMBER; METHOD OF SELECTION; TENURE

Section 24. There shall be one, three, five, seven or nine assessors in every city and one, three or five assessors in every town. The assessors in every city and town shall be elected or appointed as otherwise provided by law; but as nearly one third of their number as may be shall be elected or appointed annually, each to hold office for three years and thereafter until his successor is duly elected or appointed. As soon as may be after such annual election or appointment, the assessors of every city and town shall organize by choosing one of their number as chairman and another as secretary or clerk of their board. None of the foregoing provisions shall apply to the city of Boston. In no city or town, including Boston, shall an assessor hold the office of collector of taxes or deputy collector of taxes, whether said deputy is appointed under the provisions of section thirty-seven of this chapter or section ninety-two of chapter sixty.

Exhibit IV



Doherty Wallace Pillsbury & Murphy P.C.

March 22, 2021

Via E-mail (Roxann.Wedegartner@greenfield-ma.gov)

Mayor Roxann Wedegartner
City of Greenfield
14 Court Square
Greenfield, MA 01301

Re: Board of Assessors

Dear Mayor Wedegartner:

You have asked if the current Charter provision, "Section 6-14: Board of Assessors," is legal as written and you have asked if a "Chief Assessor" can also be a voting member of the Board of Assessors. A review of Section 6-14 revealed one legal defect and one unusual, but permissible, aspect of the section. Contrary to charter Section 6-14(a), a member of the Board of Assessors may not serve for an "indefinite" term. It is permissible for the City to provide in its charter that the members of the Board of Assessors be a mixture of appointed and elected members. Finally, it is permissible for the "Chief Assessor," as that term is created and used in the charter, to be a voting member. Each conclusion regarding the existing charter provision shall be discussed in turn.

First, appointing the Chief Assessor for an "indefinite term" is not permitted by G. L. c. 43B, sec. 20(d). Subsection (d) calls for home rule charters to have board members "serve for terms which, as nearly as possible, expire in different years." An indefinite term does not expire. Thus, in my opinion, the use of an "indefinite" term in Section 6-14 (a) is not legally permissible.

Second, it is legally permissible for one member of the three-member board to be appointed while the other two members are elected. Under the General Laws, members of the board of assessors are either all appointed or all elected unless the board is being transitioned from one selection method to another (e.g., a 3-member board with staggered 3-year terms would

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March 22, 2021

Page 2

be mixed during a statutory transition as each elected member's term expired and an appointed member was put in the seat. G. L. c. 41, sec. 1B). There is no provision under the General Laws for a standing mixed board. Therefore, authority to establish a mixed board must be found in the Home Rule Procedures of G. L. c. 43B.

Section 20 of the Home Rule Procedures permits charters to provide for the mode of selection of "local offices." The question becomes whether a multiple member board is one local office (and thus all board members must be selected the same way) or if its constituent members are each local officers (allowing members to be selected in varying ways). Section 20(a) answers this question by implication. It states in pertinent part:

(a) that any particular local office shall either be elected or appointed; ...all of the members of the legislative body shall always be elected."¹ (*Emphasis added.*)

Because section 20(a) specifically requires that "all of the members" of the multiple member body that is the legislative body must be elected, it is implied that other multiple member bodies can be mixed, i.e. that unless the Home Rule Procedures explicitly forbid a mixed board of assessors, some members may be elected and some may be appointed. Thus, it is my opinion that the existing charter provision legally provides for one appointed member and two elected members to sit on the Board of Assessors.

Finally, it is permissible for one person (e.g., someone referred to as the "Chief Assessor") to be both a voting member of the Board of Assessors and have day-to-day assessment administration duties. This would be true under the General Laws without need of a charter provision. The Board of Assessors ("BOA") are statutorily charged with assessment duties for a municipality. See, G. L. c. 41, sec. 24, 29. Under the General Laws, the BOA may appoint assistant assessors to help in the discharge of those duties. G. L. c. 41, sec. 25A and 28. In many communities, the BOA completely delegates the day-to-day administrative duties of assessing to assistant assessors and only retains the decision-making authority. Id.

Assistant assessors are professional staff. Usually, one of the "assistant assessors" functionally serves and is often referred to as the "Principal Assessor." (Statutorily a principal assessor is an assistant assessor with a title, more delegated duties and more pay.) The "principal assessor" is usually a department head. The BOA appoints the "principal assessor" for his/her technical expertise and professional knowledge. Such a non-voting assessor flags and presents matters to the BOA for decision and advises the BOA on applicable rules and valuation methods that inform BOA decisions. However, all authority of assistant assessors, whether that assistant

¹ Open town meeting legislative bodies are excepted.

Doherty Wallace Pillsbury & Murphy P.C.

March 22, 2021

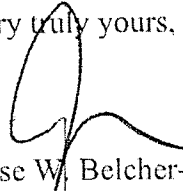
Page 3

assessor is called a principal assessor or not, is authority that sits with the BOA and can only be delegated by the BOA.

A BOA does not have to delegate the day-to-day duties to assistant assessors. One or all of the voting members of the Board of Assessors could serve to perform both decision-making and day-to-day duties. Thus, the so-called "Chief Assessor" could be a voting BOA member who also performs the day-to-day duties of assessment.

I hope this is helpful, if you have any questions or would like to discuss this, please don't hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jesse W. Belcher-Timme'. The signature is stylized with a large, looped initial 'J' and a long, horizontal stroke extending to the right.

Jesse W. Belcher-Timme

Charter Section 6-3 states:

SECTION 6-3: DEPARTMENT OF MUNICIPAL FINANCE

1. *Establishment, Scope* - There shall be a Department of Municipal Finance responsible for the performance of all of the fiscal and financial activities of the Town. The Director of Municipal Finance shall assume all of the duties and responsibilities related to municipal finance activities which prior to the adoption of the Home Rule Charter were performed by or under the authority of the Town Accountant, the Town Treasurer, the Town Collector, and the Board of Assessors; and it may have such additional powers, duties and responsibilities with respect to municipal finance related functions and activities as the Town may from time to time provide, by ordinance. So much of the powers of a chief procurement officer which the Mayor does not personally exercise, shall be assigned to the Department of Municipal Finance. All activity by the Mayor acting as a Chief Procurement Officer shall be processed through the Department of Municipal Finance.
2. *Director of Municipal Finance* - The Department of Municipal Finance shall be under the direct control and supervision of a Director of Municipal Finance who shall be appointed by and who shall be responsible to the Mayor. The Mayor shall also appoint the person, or persons, performing the duties of Town Collector and Town Treasurer. The Director of Municipal Finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The Director of Municipal Finance shall be responsible for the supervision and coordination of all activities of the Department of Municipal Finance in accordance with General Laws, Town bylaw, administrative code and rules and regulations. The Director of Municipal Finance shall serve, as the Mayor may from time to time specify, as the Town Treasurer, Town Collector, Treasurer-Collector or Town Accountant.

(Emphasis added.)

This text is in need of correction. The yellow sentence in subsection 1 and the blue sentence in subsection 2 conflict with each other. The blue sentence makes sense for the description of Finance Director. I assume the yellow sentence is supposed to say, "The Department of Municipal Finance shall include within it the Town Accountant, the Town Treasurer, the Town Collector, and the Board of Assessors." If this is not a typo, the existing sentence impermissibly combines the role of accountant and treasurer etc....

SUGGESTED CHARTER PROVISION 6-14 (Bd. Of Assessors)

Board of Assessors or Assessing Department or Division

- A. The Board of Assessors shall have three members who shall be [option 1] elected [or option 2] appointed by the mayor pursuant to section 2-10 in the Charter.
- B. [if option 2] Appointments of members shall be made on the first day of the calendar year unless the appointment is for a vacant position. Members shall serve for 3-year terms or until successors are qualified and appointed. The terms for each of the three seats on the board shall be staggered so that one term expires each year.
- C. There shall be a Principal Assessor who shall serve as the head of the Assessing Division and to whom the Assessors may delegate those duties they are permitted to delegate under Massachusetts general laws. The Principal Assessor shall be appointed [Option A] by the Board of Assessors [or Option B] pursuant to the Provisions of the Department of Municipal Finances sec. 6-3 Charter.
- D. Part-time assessors may receive compensation subject to approval by the mayor and the council.

Power and Authority of the Assessing Department or Division

The Board of Assessors is responsible to assess taxes and estimate the value of property for purposes of taxation for the City. The Board of Assessors provides all necessary information to the mayor and the council in preparation for the annual classification hearing. The Board of Assessors hears and decides all questions relating to the abatements. The board has all the other powers and duties and responsibilities conferred upon assessors by the Massachusetts general laws. [MGL c. 41, sec. 25A allows assessors to appoint assistant assessor.]

Members of the Board of Assessors are designated special municipal employees.

Exhibit V

Article VI Exhibit E

Mayor's Task Force Against Domestic Violence

September 9, 2020

Councilor Wheeler

1:59
PM (1
hour
ago)

to 2020. Mary, Roxann, Mark

Chairman Singer and fellow committee members,

On behalf of the Mayor's Task Force Against Domestic Violence, please see the following recommended language changes, as voted by the task force. Changes in bold.

(NB there is a recommended change to the name of the committee.)

§6-24 Mayor's Task Force Against Domestic **and Sexual** Violence

(a) There shall be a Mayor's Task Force Against Domestic **and Sexual** Violence to advise the Mayor with regard to the formation of public policy, **public education and outreach** on domestic **and sexual** violence. The task force shall consist of seven members, three of whom shall be appointed by the Mayor with review by the Town Council as provided in Section 2-10, and four of whom shall be appointed as provided in Subsection (c), **and two alternate members appointed by the Mayor as above.**

Alternate members shall sit on the committee in case of the absence, inability to act or apparent conflict of interest on the part of any committee member, or as part of a regularly scheduled rotation among the regular members.

(b) In making the mayoral appointments, the Mayor shall seek persons who are: (i) experienced in the field of youth services; (ii) members of women's and men's advocacy groups; (iii) mental health providers; (iv) probation officers in the district or superior court system; and (v) medical professionals on the staff at the Franklin Medical Center. The three members **and two alternate members** to be appointed by the Mayor shall serve for terms of three years.

Respectfully,

Otis Wheeler

City Council Vice President Precinct 7
413.376.5501

City of Greenfield

To implement Ranked Choice Voting, add following in Section 1-7: Definitions

(p) Ranked Choice Voting - the words “ranked choice voting” shall mean an election system in which voters rank the candidates for an office in order of preference; provided, however, that ranked choice voting shall only apply to a ballot on which there are not less than 2 candidates. Each voter shall cast a single vote by ranking candidates in order of preference, indicating the voter’s first choice, second choice, third choice and continuing until the voter has assigned a single numerical ranking to each candidate on the ballot or until the voter chooses to stop ranking. If 1 candidate receives at least 50 per cent of the first choice votes cast for the office in the election, that candidate shall be declared the winner. If no candidate receives at least 50 per cent of the first choice votes cast in the first round, an instant runoff shall automatically occur. In an instant runoff, the candidate receiving the least number of votes in the prior round shall be deemed the withdrawn candidate and shall be withdrawn from the election. The highest ranked non-withdrawn candidate of each voter shall be the voter’s first choice vote and such first choice vote shall be used in calculating the total number of votes for each remaining non-withdrawn candidate. The instant runoff process shall be repeated until a candidate shall have received at least 50 per cent of the total first choice votes cast for the office in the election and, at such time, the winner shall be declared. A ranked choice voting ballot shall not interfere with a voter’s ability to rank at least 1 write-in candidate.

Need following edits to allow Ranked Choice Voting

Rename Section 7-2: ELECTION PROCESS

Delete current 7-2 (a)

Replace with New 7-2a

7-2 (a) All City elections will use ranked choice voting as defined in the Charter Section 1-7:

Definitions

Amend first sentence 7-2 (b) as follows:

The number of signatures of voters required to place the name of a candidate on the ballot for a

City election shall be as follows: *[remainder same as current]*

Delete sections 7-2 (d) and 7-2 (e) entirely

SECTION 7-7: CITIZEN INITIATIVE MEASURES

(a) *Definition, Summary, and Commencement* – The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this charter. The process may be used by registered voters to request passage of a particular measure by the City Council or School Committee.

The initiative process is summarized in Appendix 7-7. Appendix 7-7 is intended as a general guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-7 must be taken from the text of Section 7-7 paragraphs (a) through (h).

Initiative procedures shall be started by the filing of a proposed initiative petition with the City Clerk. The petition shall be addressed to the City Council or to the School Committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by not less than ten (10) voters of the City. The petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form and shall indicate which member shall serve as clerk of the petitioners' committee.

(b) *Referral to City Attorney* - The City Clerk shall, following receipt of each such proposed petition, deliver a copy of the petition to the City Attorney. The City Attorney shall, not later than _____ days after receipt of a copy of the petition, in writing, advise the City Council or the School Committee, as may be appropriate, whether: (1) the measure as proposed may lawfully be proposed by the initiative process; (2) whether, in its present form it may be lawfully adopted by the City Council or the School Committee; and (3) whether the City Clerk may issue blank forms as provided pursuant paragraph 7-7 (c). If the opinion of the City Attorney is that the measure fails in any respect, the reply shall state the reasons for that opinion, in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated as clerk of the petitioners' committee. If the City Attorney takes longer than _____ days to issue an opinion, all deadlines are extended one day for each day the process is delayed.

(c) *Submission to City Clerk* - If the opinion of the City Attorney is that the petition is eligible pursuant to Section 7-7 (b), the City Clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the City Attorney, together with the names and addresses of the first ten (10) voters who signed the originating petition. No later than _____ days following the date the blank forms are issued by the City Clerk, the petitions shall be returned and filed with the City Clerk signed by not less than _____ percent (____ %) of all registered voters as of the most recent biennial City election. Signatures to an initiative petition need not all be on one (1) paper, but all such papers pertaining to a measure shall be fastened together and filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear

the street and number of the residence of each signer. Not later than _____ days after the filing of the petition with its signatures, the Board of Registrars of Voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent regular biennial City Election. The City Clerk shall attach to the petition a certificate showing the results of the City Clerk's examination and shall return the petition to the Clerk of the Council or the secretary of the School Committee according to how the petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as clerk of the petitioners' committee.

(d) *Action on Petitions* – Not later than _____ days after the date a petition is returned to the Clerk of the Council or the secretary of the School Committee by the City Clerk, and after publication in accordance with section 2-9(c), City Council or the School Committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered a rejection of the initiative measure. If the City Council or the School Committee fails to act with respect to any initiative measure within _____ days after the date it is returned to it by the City Clerk, the measure shall be considered to have been rejected on the _____ the day. If an initiative measure is rejected, the City Clerk shall promptly give notice of that fact by certified mail to the person designated as Clerk of the petitioners' committee.

(e) *Supplemental Petitions, Voter Determination* – If the City Council or School Committee rejects an initiative measure, the petitioner's committee as determined in section 7-7(a) may file a supplemental initiative petition with the City Clerk within 60 days of the City Council or School Committee vote. The supplemental initiative petition shall be in the same form as the initial petition and be signed by a number of additional voters, which brings the total number of signatures for the initial and supplemental petitions to be not less than _____ percent (____ %) of all registered voters as of the most recent biennial City election. Not later than _____ days after the filing of the supplemental petition, the Board of Registrars of Voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent regular biennial City Election.

If the number of signatures to a supplemental petition is found to be sufficient by the Board of Registrars of Voters and City Clerk, the City Council shall submit the proposed measure, without alteration, to the voters for determination at the next regular biennial City Election, or at a special election; provided, however, that if the next regular biennial City election is to be held not later than one (1) year after the date of the certificate, the City Council may omit the calling of a special election and cause the question to appear on the election ballot at the approaching election for determination by the voters at that election.

(f) *Publication* - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper and on the City's official web site not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be

voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the City Clerk.

(g) *Form of Question* - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by voters in an initiative petition, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary prepared by the petitioners' committee, and approved by the City Attorney)

_____YES _____NO

(h) *Time of Taking Effect* - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure; provided, however, that no such measure shall be deemed to be adopted if fewer than twenty percent (20 %) of the total number of registered voters as of the most recent biennial City election have voted at the election at which the question has been voted upon.

[See Report for Committee suggested timeline days and required signatures for City Council consideration and decision]

Summary of Initiative Process

Note: Appendix 7-7 is intended as a guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-7 must be taken from the text of Section 7-7 paragraphs (a) through (h)

Citizen Step in Initiative Process	Described in Section 7-7	Description
#1	(a)	<p>Definition, Initial Filing:</p> <ul style="list-style-type: none"> An "initiative measure" is a measure proposed by voters for approval by City Council (CC) or School Committee (SC) Initial filing with the City Clerk includes the full text of the measure, signatures of at least 10 voters, 5 of which include addresses and serve as petitioners' committee, and designates 1 who will serve as clerk for the initiative
#2	(b)	<p>Sent to City Attorney (CA):</p> <ul style="list-style-type: none"> CA issues opinion on legality within ___ days. CA approves legality or rejects legality with written reasons, and informs the petitioners' committee.
#3	(c)	<p>City Clerk:</p> <ul style="list-style-type: none"> Provides forms to collect signatures for a legal initiative; signatures of at least ___ % of registered voters at date of last election must be returned within ___ days for process to move forward Board of Registrars certifies signatures and percentage of registered voters within ___ days and notifies committee
#4	(d)	<p>City Council (CC) or School Committee (SC) vote:</p> <ul style="list-style-type: none"> If enough signatures, Clerk publishes per 2-9(c) Within ___ days of receipt, CC or SC acts to approve, reject, or pass measure in lieu of (reject initiative) If CC or SC do not vote on measure within ___ days, the measure is considered rejected
#5	(e)	<p>Supplemental Petition:</p> <ul style="list-style-type: none"> Rejected initiative can be submitted a 2nd time within 60 days with total signatures of ___ % of registered voters for both petitions
#6	(e)	<p>Voter Determination:</p> <ul style="list-style-type: none"> If enough signatures per Registrars, CC submits to voters at next election or special election if next election is more than 1 yr. later
	(f)	<p>Publication before Election:</p> <ul style="list-style-type: none"> Published in paper and official web site 7-14 days before election
	(g)	<p>Ballot form:</p> <ul style="list-style-type: none"> Summary of initiative with simple Yes or No vote
	(h)	<p>Effective date:</p> <ul style="list-style-type: none"> Approved initiative becomes effective immediately, unless otherwise specified, if at least 20% of registered voters cast ballots

Exhibit VIII

# of Signatures for						
	Council Action	Initiative Petition Proposal	Initiative Petition	Supplementary Petition (If rejected)	Referendum Petition	Required Votes
Greenfield	100	10	10% Recent Voters and 5% All Voters	5% Recent Voters and 2.5% All Voters (in addition to previous signatures)	See Section 7-8	25% (Referendum)
Easthampton	100	N/A	10% All Voters	5% All Voters (in addition to previous signatures)	12%	N/A
West Springfield	100	10	10% All Voters	5% All Voters (in addition to previous signatures)	12%	N/A
Northampton	N/A	250 Voters (25 each Ward)	10% All Voters	5% All Voters (in addition to previous signatures)	15%	20% (Referendum and Initiative)
Pittsfield	N/A	250 Voters (25 each Ward)	10% All Voters	5% All Voters (in addition to previous signatures)	15%	20% (Referendum and Initiative)
Westfield	N/A	N/A	20% Special Election* / 8%-20% Biennial Election*	N/A	12% All Voters	1/3 (Referendum and Initiative)
* If rejected						

City

SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) *Definition, Referendum Petition, Summary, Effect on Final Vote*

The referendum procedure is the process voters may use to protest a measure, or part thereof, approved by a vote of the City Council or School Committee, with the exception of those listed in Section 7-9. Voters file a referendum petition to identify the measure, or part thereof protested against, and collect signatures to show support for the petition.

The referendum process is summarized in Appendix 7-8. Appendix 7-8 is intended as a general guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-8 shall be taken from the text of Section 7-8 paragraphs (a) through (i) and not the Appendix.

If, within [REDACTED] days following the date on which the City Council or the School Committee has voted finally to approve of any measure, a petition in compliance with Sections 7-8 (b-e) below and addressed to the City Council or School Committee is filed with the City Clerk protesting against a measure, or part thereof, then the effective date of any such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired.

(b) *Commencement.* Referendum petition procedures shall be started by the filing of a proposed referendum petition with the City Clerk. The petition shall be addressed to the City Council or to the School Committee, shall contain the text of a particular measure, or part thereof protested against, which shall be set forth in the petition, and shall be signed by not less than 10 voters of the City. The petition shall be accompanied by an affidavit signed by five (5) voters and containing their residential address, stating they will constitute the petitioners' committee and shall indicate which member shall serve as clerk of the petitioners' committee.

(c) *Referral to City Attorney* - The City Clerk shall, following receipt of each such proposed referendum petition, deliver a copy of the referendum petition to the City Attorney. The City Attorney shall, not later than [REDACTED] days after receipt of a copy of the referendum petition, in writing, advise the City Council or the School Committee, as may be appropriate, whether: (i) the measure or part thereof protested against, as proposed, may lawfully be proposed by the referendum petition process; (ii) whether, in its present form it may be lawfully adopted by the City Council or School Committee; and (iii) whether the City Clerk may issue blank forms as provided below. If the opinion of the City Attorney is that the referendum petition fails in any respect, the reply shall state the reasons for that opinion, in full. A copy of the opinion of the City Attorney shall also be mailed to the person designated as clerk of the referendum petitioners' committee. If the City Attorney's opinion takes longer than [REDACTED] days, the period for collecting signatures is extended by one day for each day the process is delayed.

If the opinion of the City Attorney is that the petition is eligible pursuant to 7-8 (b) and 7-9, the City Clerk shall provide blank forms within [] days for the use of the subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure or part thereof protested against, as determined by the City Attorney, together with the names and addresses of the first 10 voters who signed the originating petition. If the City Clerk takes longer than [] days, the period for collecting signatures is extended by one day for each day the process is delayed.

(d) *Number of Signatures Needed* – The petition filed with the City Clerk shall contain signatures equal to []% of the total number of registered voters registered in the most recent biennial City election.

(e) *Certification of Signatures* Not later than [] days after the filing with the City Clerk of the fully signed referendum petition, the Board of Registrars of Voters shall ascertain by what number of voters the referendum petition has been signed, and what percentage that number is of the total number of registered voters as of the date of the most recent regular biennial City Election. The City Clerk shall attach to the referendum petition a certificate showing the results of the City Clerk's examination and shall return the referendum petition to the Clerk of the Council or the secretary of the School Committee according to how the referendum petition is addressed. A copy of the Board of Registrars of Voters certificate shall also be mailed to the person designated as clerk of the referendum petitioners' committee.

(f) *Reconsideration by the City Council or School Committee* – At such time as the Board of Registers of Voters and the City Clerk certify the validity of the petition, the School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City election; provided however that pending such submission and determination, the effect of the measure shall continue to be suspended.

(g) *Publication* - The full text of any referendum petition which is submitted to the voters shall be published in a local newspaper and on the City's official web site not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which such question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the City Clerk.

(h) *Form of Question* - The ballots used when voting on a referendum measure or part thereof proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure or part thereof, which was passed by City Council (or School Committee) vote on (Here insert date of City Council or School Committee vote) stand as passed?

(Here insert the full text of the proposed measure or part thereof, or a fair, concise summary prepared by the petitioners' committee, and approved by the City Attorney)

_____YES _____NO

(i) *Requirements for a Binding Election* - A referendum measure must achieve a simple majority vote in a regular biennial election for the referendum to be binding on the City.

If placed before the voters at a special election, the referendum measure must achieve a simple majority, but at least percent of the registered voters of the City must vote on the referendum measure in order for the election to be binding.

If a simple majority is achieved in either type of binding election, the measure, or part thereof, is suspended. If a simple majority is not achieved, the temporary suspension of the measure, or part thereof, is rescinded.

[See Report for Committee suggestions for all timeline days and required signatures for City Council consideration and decision]

Appendix 7-8

Summary of Section 7-8 Referendum Process

Note: Appendix 7-8 is intended as a guide for voters and elected officials, but not as a legal document. All legal interpretations of Section 7-8 must be taken from the text of Section 7-8 paragraphs (a) through (g)

Citizen Step in Process	Described in Section 7-8	Description
	(a)	<p>Definition, Summary of Process:</p> <p>Referendum protests a measure, or part, passed by City Council (CC) or School Committee (SC). First 3 steps must be completed in ___ days after CC or SC vote.</p> <ol style="list-style-type: none"> 1. Referendum petition filed by 10 voters with 5 addresses, 1 for clerk 2. City Attorney (CA) approves or rejects within ___ days and City Clerk issues signature forms for legal petition within ___ days 3. Referendum committee collects signatures of ___% of registered voters as of last election <ul style="list-style-type: none"> • If first 3 steps completed in ___ days, protested measure or part is temporarily suspended and CC or SC reconsiders at next meeting
#1	(b)	<p>Commencement:</p> <ul style="list-style-type: none"> • Filing needs 10 voters; 5 with addresses for committee; 1 as clerk
#2	(c)	<p>Sent to City Attorney (CA):</p> <ul style="list-style-type: none"> • CA issues opinion on legality within ___ days. CA approves or rejects with written reasons; deadline extended 1 day for each day more than ___ days • City Clerk issues forms within ___ days to collect signatures for legal petition. • Forms with signatures must be returned within ___ days of original vote
	(d)	<p>Number of Signatures</p> <ul style="list-style-type: none"> • Petition must contain signatures of ___% of registered voters to move forward
	(e)	<p>Certification of Signatures</p> <ul style="list-style-type: none"> • Board of Registrars of Voters certifies percentage of legal signatures • If sufficient signatures, measure or part is temporarily suspended
	(f)	<p>Reconsideration by CC or SC</p> <ul style="list-style-type: none"> • For a legal petition with sufficient signatures, CC or SC reconsiders and votes at next meeting • If measure or part not rescinded, CC submits to voters at next election or special election; measure continues to be suspended
	(g)	<p>Publication before Voter Election:</p> <ul style="list-style-type: none"> • Published in paper and on official web site 7-14 days before election
	(h)	<p>Ballot Form:</p> <ul style="list-style-type: none"> • Summary of referendum with simple Yes or No vote
	(i)	<p>Requirements for a Binding Election:</p> <ul style="list-style-type: none"> • In a regular biennial election, referendum must achieve a simple majority • In a special election, at least ___% of all registered voters must cast ballots and referendum must achieve a simple majority